

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 9, 2010

DIVISION ONE

B212529 People (Certified for Partial Publication)
v.
Buckley, Jr. and Finn

The sentence of each defendant is modified by striking the street gang enhancement. Finn's sentence is further modified by striking the gun use enhancements under Penal Code section 12022.53, subdivisions (b) through (d) and remanded for resentencing. The causes are remanded to the trial court with directions to prepare amended abstracts of judgment and to forward corrected copies thereof to the Department of Corrections and Rehabilitation. In all other respects, the judgments are affirmed.

Rothschild, J.

We concur: Mallano, P.J.
 Johnson, J.

DIVISION ONE (continued)

B212279 Macias (Not for Publication)
v.
County of Los Angeles, et al.

The judgment in favor of the individual defendants, except John Rossman, is reversed as to the civil rights and intentional infliction of emotional distress claims. The judgment in favor of the individual defendants as to the negligence, assault, battery and false imprisonment claims is affirmed. The judgment in favor of the county is reversed. The award of costs to the defendants is vacated and remanded to the trial court with directions to determine the entitlement to costs only after the case is completed. The parties are to bear their own costs on appeal.

Rothschild, J.

We concur: Mallano, P.J.
 Chaney, J.

DIVISION TWO

B209518 Citizens Business Bank (Not for Publication)
v.
DeMille, et al.
Groves, et al.

The judgment is affirmed. The Bank to recover costs on appeal.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

DIVISION TWO (continued)

B220675 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Mark P.

We reverse the order with respect to allegation b-3, and direct the juvenile court to dismiss allegation b-3 from the petition. In all other respects, the order is affirmed.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
 Chavez, J.

B215952 Gonzalez
 v.
 IGH Management Martyland

Filed order denying petition for rehearing.

DIVISION THREE

B213608 Hammel Heating and Air Conditioning, Inc., (Not for Publication)
 v.
 J.D. Construction Company, Inc.,

The judgment is affirmed. Respondent is awarded costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION FOUR

B217174 Greene
 v.
 California State Prison-Los Angeles County

Filed order denying petition for rehearing.

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and D. Nolan, Deputy Clerk.

Each of the following:

B217970 People v. Caldeira
B217341 People v. D.J.
B222515 In re Alexis U.; DCFS v. Sandra P.
B222966 People v. Camarena
B218983 In re K.H.; DCFS v. C.H.
B218454 People v. Ramirez
B216095 People v. Moore & Jennings

Argument waived, cause submitted.

B210933 Mack Film Development, et al.
 v.
 Grant Johnson, et al.

Merits:

Argued by Craig A. Huber for appellants and by Daniel H. Bromberg for respondents. Cause submitted.

DIVISION FIVE (continued)

B217622 Embassy LLC, et al.
 v.
 City of Santa Monica, et al.

Merits:

Argued by Anthony Oliva for appellants, by Amy J. Regalado for respondent City of Santa Monica Rent Control Board and by Alan L. Seltzer for respondent City of Santa Monica. Cause submitted.

Court recessed.

Court reconvened at 11:13 p.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and D. Nolan, Deputy Clerk.

Each of the following:

B223294 K.C.V. et al., v. SCLA (DCFS, rpi)
B215603 People v. Bryley
B219514 People v. Foucher
B221457 In re Monte H. (DCFS v. Terrance H.)
B218443 People v. Tavcar
B217903 People v. Watkins
B217411 People v. Watkins
B214850 People v. S.L.

Argument waived, cause submitted.

DIVISION FIVE (continued)

B210624 David Cutler
v.
Anthony Dike

Merits:
Argued by George Omoko for appellants and by Wilmer Harris for respondent. Cause submitted.

Court adjourned.

DIVISION SIX

B220996 People (Not for Publication)
v.
Tyrone Marcell Marsaw

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B221984 People (Not for Publication)
v.
Malcolm D. McGee

The judgment (order denying petition for writ of coram nobis) is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (continued)

B221023 Coulombe (Not for Publication)

v.

City of Oxnard, et al.

The judgment is affirmed. Costs on appeal are awarded in favor of respondents.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

B221530 People (Not for Publication)

v.

Lugo

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

B209176 Melissa Camp, et al.

v.

State of California, et al.

Filed order denying petition for rehearing.

DIVISION SEVEN

B215438 Michael Mann (Not for Publication)
 v.
 Susan Loghmanpour

The order granting Loghmanpour's motion to set aside the December 30, 2008 default judgment is reversed. The trial court is directed to reinstate the December 30, 2008 judgment in favor of Mann and against Loghmanpour. Mann is to recover his costs on appeal.

Segal, J. (Assigned)

We concur: Perluss, P.J.
 Jackson, J.

B211319 Sunny Yusuf (Not for Publication)
 v.
 Ganna S. Shcherbak
 Alexander Yusuf

The orders are affirmed. The parties are to bear their own costs on appeal.

Jackson, J.

We concur: Perluss, P.J.
 Zelon, J.

B220132 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Carolyn N.

The order is affirmed.

Jackson, J.

We concur: Perluss, P.J.
 Woods, J.

DIVISION SEVEN (continued)

[illegible]

The judgment of conviction is affirmed; the sentence is reversed and the matter is remanded for resentencing in accordance with the views expressed in this opinion.

Jackson, J.

We concur: Perluss, P.J.
Zelon, J.

B216959 People (Not for Publication)
v.
Giovanni H.

The juvenile court's jurisdiction and disposition orders are conditionally reversed and the matter is remanded for the court to conduct further proceedings in compliance with section 790 and rule 5.800 of the California Rules of Court. If, as a result of those proceedings, the juvenile court grants deferred entry of judgment to minor, it shall issue an order vacating its jurisdiction and disposition orders. If the court denies deferred entry of judgment to minor, it shall reinstate its jurisdiction and disposition orders, subject to minor's right to have the denial of deferred entry of judgment and the jurisdiction and disposition orders reviewed on appeal. (See *In re Luis B.*, supra, 142 Cal.App.4th at pp. 1123-1124.)

Jackson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION SEVEN (continued)

B217950 Julia Johnson (Not for Publication)
 v.
 Nelly Mafalda Sanchez

The orders of May 20, June 12, June 23 and June 30, 2009 are reversed.
Each party shall bear her own costs on appeal.

Jackson, J.

We concur: Woods, Acting P.J.
 Zelon, J.

B216525 People
 v.
 Robinson

Filed order vacating submission order of March 22, 2010 in order to permit
supplemental briefing. The cause will be resubmitted upon receipt of both
supplemental briefs or statement(s) that no supplemental brief will be filed.

DIVISION EIGHT

B212926 County of Los Angeles (Not for Publication)
 v.
 Indiana Lumbersmens Mutual Ins. Co.

The judgment is affirmed. Respondent is to recover its costs on appeal.

Flier, J.

We concur: Bigelow, P.J.
 Rubin, J.